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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 405 OF 2006
IN
INCOME TAX APPEAL (LOD) NO.184 OF 2006

The Commissioner of Income Tax ..Appellant.

V/s.

M/s. Nayankumar & Co. ..Respondent.

Mr.A.S.Rao for appellant.

Mr.F.B.Andyarjuna, senior counsel with J.N.Shah for respondent.

CORAM : F.I.REBELLO AND
J.P.DEVADHAR, JJ.

DATED : 17TH SEPTEMBER, 2007.

P.C. :-

Appellant has set out delay as 278 days. According to the respondents, the delay is 553 days.

2. There is an affidavit in support of the Motion. After considering the affidavit, we find that the matter was pending with the Law Department between 6/7/2004 and 21/10/2005. There is no explanation whatsoever for such a long delay. Considering the above, the cause shown would not amount to sufficient cause. Hence Notice of Motion is dismissed.

(J.P.DEVADHAR, J.) **(F.I.REBELL0, J.)**